

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN L. BERNSTEIN, et. al.,

No. C 13-1563 RS

Plaintiffs,

v.

**ORDER DISMISSING ACTION AND
DENYING APPLICATION FOR
ISSUANCE OF SUBPOENA**

JANET DUNLOP, et al.,

Defendants

The original complaint in this action was 26 pages long. In the understated words of the magistrate judge who conducted a review of the allegations pursuant to 28 U.S.C § 1915(e)(2)(B), the complaint was “difficult to comprehend.” The magistrate judge nevertheless identified certain claims that at least theoretically might be possible for plaintiff to pursue, and issued a Report and Recommendation the complaint be dismissed with leave to amend as to those claims. The Report and Recommendation was adopted in full as the order of the Court.

In response, plaintiff Michael Leon¹ filed a First Amended Complaint, and then, without permission, a Second Amended Complaint, and later a “Revised First Amended Complaint.” These three substantially similar pleadings are each over 130 pages long and are filled with lengthy

¹ All other purported plaintiffs were previously dismissed without leave to amend. While the amended complaints continue to list one other individual as a plaintiff in the caption, only Leon is a signatory.

1 quotations from various media sources, Bible verses, photographs, and cartoon drawings. Despite
2 the addition of such material, Leon has not provided any factual material to address the deficiencies
3 identified in the Report and Recommendation. While it remains the case that it might be
4 theoretically possible to state an ADA claim against judicial defendants, and/or a Section 1983
5 claim against law enforcement defendants, there is no indication that Leon will ever be able to do so
6 under the circumstances here. Additionally, there is no apparent basis in any event to pursue in this
7 court claims relating to judicial proceedings or police conduct in Arizona.

8 While *pro se* pleadings are to be construed liberally, and leave to amend freely granted, the
9 additions made to the original complaint demonstrate that permitting further amendments would be
10 futile. Accordingly, this action is dismissed without leave to amend.

11 Leon's procedurally and substantively deficient "application for issuance of a subpoena" is
12 therefore moot, and the hearing set for December 19, 2013 is vacated. The Clerk shall close the file.

13
14 IT IS SO ORDERED.

15
16
17 Dated: December 18, 2013

18
19
20
21
22
23
24
25
26
27
28


RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE